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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF REAL ESTATE APPRAISERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE PERMIT OF :
MARLIN COSME : ADMINISTRATIVE ACTION
Trainee Permit No. 42RP00356300 :
TO PRACTICE REAL ESTATE APPRAISING : FINAL ORDER OF
IN THE STATE OF NEW JERSEY : DISCIPLINE

This matter was opened to the New Jersey State Board of Real Estate Appraisers (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Marlin Cosme ("Respondent") holds an inactive Real Estate Appraiser Trainee Permit in the State of New Jersey, and submitted an application to be a State Licensed Real Estate Appraiser, which is now null and void, and an application to be a State Certified Residential Real Estate Appraiser, which is pending.

2. The Board received a complaint on or about April 09, 2012 alleging several potential violations of the Uniform

Standards of Professional Appraisal Practice (USPAP) for an appraisal of property located at 261 Maple Street, Perth Amboy, NJ 08861. The report includes the signatures of Respondent as Appraiser and Alison J. Kasper as Supervisory Appraiser. Upon receipt of the complaint, the Board sent a letter of inquiry requesting a written response to the complaint, as well as complete information regarding the appraisal of the property in question to Respondent's address in San Antonio, Texas, via regular and certified mail on or about October 26, 2012. The regular was not returned. The certified mail receipt was signed upon delivery on November 5, 2012.

3. By fax dated December 5, 2012, Respondent indicated that she would be in New Jersey on December 21, 2012 and requested an extension of time to respond. The Board received no further reply from Respondent.

4. The Board sent a second request letter dated January 31, 2013 via regular and certified mail. The regular mail was not returned. The certified mail receipt was signed upon delivery on February 5, 2013. Respondent failed to reply.

5. The Board sent a third request letter dated June 21, 2013 via regular and certified mail. The regular mail was not returned. The certified mail receipt was signed upon delivery

on June 29, 2013. Respondent replied on or about July 10, 2013 and listed a return address in South Amboy, New Jersey.

6. Upon receipt and review of Respondent's reply, the Board sent a Demand for Statement in Writing Under Oath and Production of Documents ("Demand") requiring additional information regarding the appraisal and Respondent's appraisal practice. The Demand was sent to Respondent's address in South Amboy, New Jersey via regular and certified mail on or about April 16, 2014. The regular mailing was not returned; the certified mailing was returned as "unclaimed."

7. To date, Respondent has not responded to the Demand.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's Demand constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a one thousand dollar (\$1000) civil penalty and suspension/denial of Respondent's permit/applications until Respondent cooperated was entered on

July 3, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline by providing a full and complete response to the Board's Demand for Written Statement Under Oath. Board regulation at N.J.A.C. 13:40A-7.10 requires licensees and certificate holders to give the Board notice of any change of address within 10 days of any such change. The Board maintains an address of record and a mailing address for each licensee, which may or may not be the same, depending on what the licensee has designated. Ms. Cosme maintained that she had updated her address and that the Board had known about her address change. Board records indicate that Ms. Cosme updated her mailing address to an address in Texas, but did not update her address of record, which remained a New Jersey address. Additionally,

after the Board sent items to her mailing address in Texas, Respondent continued to include her address of record in New Jersey as her return address on envelopes. As such, the Board concluded that the New Jersey address was still valid as her address of record. Respondent received the Provisional Order that had been mailed to her address of record in New Jersey on July 3, 2014 and timely responded by letter dated July 17, 2014.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension/denial was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a one thousand dollar (\$1000) civil penalty.

ACCORDINGLY, IT IS on this 4th day of December, 2014,

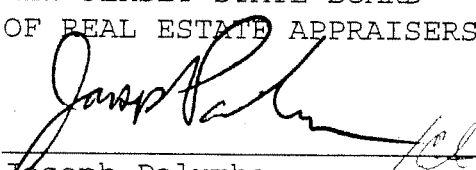
ORDERED that:

1. Respondent is assessed a civil penalty in the amount of one thousand dollars (\$1000) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Charles F. Kirk, Executive Director, State Board of Real Estate Appraisers, P.O. Box 45032, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon the information that Respondent ultimately provided in response to the Demand or upon any new information the Board receives.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

By:


Joseph Palumbo
Board President